

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

-

WRIT PETITION NO : 18909 of 1994

Between:

Anand Kumar Jain, S/o. Vagmal,
Nallapadu, Guntur District r/o Guntur.

..... PETITIONER

AND

- 1 The Authority CC/Minimum Wages Act, 1948 and the Assistant
Commissioner of Labour, II Circle, Guntur.
- 2 The Assistant Labour Officer, II Circle, Guntur.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction particularly one in the nature of writ of certiorari after calling for the records relating to order in MW case.No.136/93 dated. 11-08-1994 on File No.B/4406/93 of the Authority under Minimum Wages Act, 1948 and Assistant Commissioner of Labour, II Circle, Guntur and quash the same and pass such

Counsel for the Petitioner : MR.M.PANDURANGA RAO

Counsel for the Respondents : GP FOR SOCIAL WELFARE AND LABOUR

The Court made the following :

ORDER:

The Writ Petition is filed challenging the order dated 11.08.1994 passed by the Authority under Minimum Wages Act, 1948 (for short 'the Act') in file No.B/4406/93 in M.W. Case No.136/93.

2. The Assistant Labour Officer, II Circle, who is an inspector under the Act, at the instance of employees, laid an application before the Authority under the Act with regard to the difference of minimum wages payable to the employees working under the respondent-employer viz., Sri Anand Kumar Jain, Rajendra Oil Products Private Limited, Nallapadu, Guntur. The difference of minimum wages was claimed on the basis of G.O.Ms.Nos.35 and 90 dated 02.05.1989 and 25.05.1991 respectively with effect from 02-05-1989 and 07-06-1991. The learned Authority after adjudicating the matter held that the four employees named therein are entitled for the difference of minimum wages amounting to Rs.7,560/-. Accordingly, an order was passed on 11.08.1994. The said order came to be challenged by the employer in this Writ Petition.

3. The learned Counsel for the petitioner submits that even though the employees stated that they have received the difference amount, yet the Authority passed the order directing the employer to pay the said amount. Therefore, the order is liable to

be set aside.

4. I am afraid, the Authority has gone into this aspect and held that the difference in fact has not been paid. The issue is one relating to question of fact and the same has been decided by the Authority with reference to evidence available on record and after examining the concerned workmen. Hence, it would not be appropriate for this Court to interfere with the same by invoking the jurisdiction under Article 226/227 of Constitution of India.

5. The Writ Petition is accordingly dismissed. No costs

G.BIKSHAPATHY,J.

Dated: 22-07-2004

gs/ghn

To

1. The Authority CC/Minimum Wages Act, 1948 and the Assistant

Commissioner of Labour, II Circle, Guntur.

2 The Assistant Labour Officer, II Circle, Guntur.

3 2CCs to G.P. for Social Welfare and Labour, High Court buildings,

Hyderabad (OUT).

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